



Paper No. 10

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JUN 17 2002

OFFICE OF PETITIONS

In re Application of:
Blair, et al.
Application No.: 09/738,023
Filed: 15 December, 2000
Docket No. : 1-Step Surety System

DECISION ON PETITION

This is a decision on the petition filed under 37 C.F.R. §1.47(a)¹ on 4 March, 2002.

Petitioner has shown that, while inventors Bryan Blair and Jim Morelewicz have indeed signed the oath/declaration, the non-signing inventors **Jay Burke** and **Bob Post** have refused to join in the filing of the above-identified application after having been presented with the application papers.

Specifically, the declarations/statements/submission of facts of/by Jane E. Alexander (Registration No. 36,014) establish that the non-signing inventors were mailed the application papers, including the specification, claims and drawings, but failed to respond positively to the request that they sign the declaration or in fact sign said declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to

¹ The regulations at 37 C.F.R. 1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.

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John J. Gillon, Jr.
Senior Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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OFFICE OF PETITIONS

In re Application of:
Blair, et al.
Application No.: 09/738,023
Filed: 15 December, 2000
Docket No. : 1-Step Surety System

DECISION ON PETITION

This is a response to the petition filed on 4 March, 2002, to revive the above-identified application under 37 C.F.R. §1.137(b).¹

The petition under 37 C.F.R. §1.137 (b) is GRANTED.

The application became abandoned after the Petitioner failed to respond timely to the Notice to File Missing Parts (the Notice) mailed on 1 March, 2001, with response due absent extension of time on or before 1 May, 2001.

Review of the record indicates that:

- Petitioner having failed to respond properly and timely to the Notice, the application went abandoned after midnight 1 May, 2001;
- it does not appear that a Notice of Abandonment was mailed;
- the instant petition (with fee) under 37 C.F.R. §1.137(b) was filed on 4 March, 2002, with the statement of unintentional delay, and as the required reply to the Notice:

--substitute drawings, and

--in lieu of an oath or declaration signed by all named inventors--a petition (with fee and showings) under 37 C.F.R. §1.47(a), which is separately addressed.

¹ Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. §1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c). (Emphasis supplied.)

The instant application is being forwarded to OIPE for processing as necessary before being forwarded to the Technology Center for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-9199.

A handwritten signature in black ink, appearing to be "J. Gillon", with a long horizontal line extending to the right.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov
JJGjr: 06-02

Paper No. 11

ROBERT L. POST
9 UPLANDS DR.
CANTON, CT. 06019

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JUN 17 2002

OFFICE OF PETITIONS

In re Application of: :
Blair, et al. :
Application No.: 09/738,023 : **LETTER**
Filed: 15 December, 2000 :
Docket No. : 1-Step Surety System :

Dear Robert L. Post:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,¹ ¶a, Rules of Practice in Patent Cases.

Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application.

Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in

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(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

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the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

Telephone inquiries concerning this letter may be directed to the undersigned at (703) 305-9199.



John J. Gillon, Jr.
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for Patent Examination Policy

Counsel of Record:

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